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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BOARD OF TRUSTEES OF THE  
EMPLOYEE PAINTERS' TRUST, et al.,

Plaintiffs,

vs.

OLYMPUS CONSTRUCTION LV, INC., et  
al,

Defendants.

CASE NO.: 2:24-cv-01023-APG-NJK

**PROPOSED JOINT DISCOVERY  
PLAN AND SCHEDULING ORDER**

**SUBMITTED IN COMPLIANCE  
WITH LR 26-1(b)**

OLYMPUS CONSTRUCTION LV, INC., et  
al.,<sup>1</sup>

Counterclaimants,

vs.

BOARD OF TRUSTEES OF THE  
EMPLOYEE PAINTERS' TRUST, et al.,

Counterdefendants.

Pursuant to LR 16-1 and 26-1(b), the Parties to this action, acting through their respective counsel of record, confirm that they conferred regarding this Joint Discovery Plan and Scheduling Order and agreed to the following deadlines:

<sup>1</sup> All Defendants except Great American Insurance Company have asserted counterclaims.

1           a.       Discovery Cut-Off.

2           Pursuant to LR 26-1(b)(1), discovery will run for one hundred eighty (180) days from  
3 the date of the first Answer or other responsive pleading, which was filed September 3, 2024.  
4 The date one hundred eighty (180) days from September 3, 2023 falls on a weekend, so the  
5 discovery cut-off date will be March 3, 2025 (“Discovery Cut-Off Date”).

6           b.       Amending the Pleadings and Adding Parties.

7           Pursuant to LR 26-1(b)(2), the Parties will file any and all motions to amend the  
8 pleadings, or to add parties, by no later than ninety (90) days before the Discovery Cut-Off  
9 Date, or December 3, 2024.

10          c.       Fed. R. Civ. P. 26(a)(2) Expert Disclosures.

11          Pursuant to LR 26-1(b)(3), expert disclosures will be made in this matter as follows:

12          1.       The Parties will make their initial expert disclosures in this matter by no later  
13 than sixty (60) days before the Discovery Cut-Off Date. Therefore, the Parties’ initial expert  
14 disclosures will be due no later than January 2, 2025, pursuant to Fed. R. Civ. P. 6(a)(1)(C);  
15 and

16          2.       The Parties will make their rebuttal expert disclosures by no later than thirty  
17 (30) days after the initial disclosure of experts. Thirty (30) days after the initial disclosure of  
18 experts falls on a weekend, so the Parties’ initial expert disclosures will be due no later than  
19 February 1, 2025, pursuant to Fed. R. Civ. P. 6(a)(1)(C).

20          d.       Dispositive Motions.

21          Pursuant to LR 26-1(b)(4), the Parties will file any and all dispositive motions by no  
22 later than thirty (30) days after the Discovery Cut-Off Date, or April 2, 2025.

23          e.       Joint Pretrial Order.

24          Pursuant to LR 26-1(b)(5), the Parties will file the joint pretrial order no later than thirty  
25 (30) days after the dispositive motion deadline. Therefore, the Parties will file their joint  
26 pretrial order by no later than May 2, 2025, pursuant to Fed. R. Civ. P. 6(a)(1)(C). If either  
27  
28

1 Party files a dispositive motion, the deadline for filing the joint pretrial order will be suspended  
2 until 30 days after decision on the dispositive motion(s) or further court order.

3 *f. Fed. R. Civ. P. 26(a)(3) Pretrial Disclosures.*

4 Pursuant to LR 26-1(b)(6), the Parties will make their Fed. R. Civ. P. 26(a)(3) pretrial  
5 disclosures at least thirty (30) days before trial. Within fourteen (14) days after they are made,  
6 unless the Court sets a different time, either Party may serve and promptly file a list of the  
7 following objections: any objections to the use under Fed. R. Civ. P. 32(a) of a deposition  
8 designated by another party under Fed. R. Civ. P. 26(a)(3)(A)(ii); and, any objection, together  
9 with the grounds for it, that may be made to the admissibility of materials identified under Fed.  
10 R. Civ. P. 26(a)(3)(A)(iii). An objection not so made – except for one under Fed. R. Evid. 402  
11 or 403 – is waived unless excused by the court for good cause.

12 *g. Alternative Dispute Resolution.*

13 Pursuant to LR 26-1(b)(7), the Parties hereby certify that they met and conferred about  
14 the possibility of using alternative dispute resolution processes including mediation, arbitration,  
15 and if applicable, early neutral evaluation and have declined such alternative dispute resolution  
16 at this time.

17 *h. Alternative Forms of Case Disposition.*

18 Pursuant to LR 26-1(b)(8), the Parties hereby certify that they have considered and  
19 declined to consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P.  
20 73 and the use of the Short Trial Program (General Order 2013-01).

21 *i. Electronic Evidence.*

22 1. Has a jury trial been demanded? Yes, five of six defendants made jury demands  
23 based on asserted counterclaims. Plaintiffs have since moved to dismiss the counterclaims and  
24 to strike the jury demands.

25 2. Have the parties reached any stipulations regarding discovery in an electronic  
26 format compatible with the court's electronic jury evidence display system? Although it is  
27 anticipated that this will occur, to date no stipulations have been reached on this topic.  
28

j. Fed. R. Civ. P. 26(a)(1) Initial Disclosures.

The Parties will make their Fed. R. Civ. P. 26(a)(1)(C) initial disclosures within fourteen (14) days of the date of the Discovery Case Conference.

APPROVED AS TO FORM AND CONTENT.

DATED this 8th day of October, 2024.

DATED this 8th day of October, 2024.

/s/ Todd Creer

R. TODD CREER, ESQ.

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DATED this 8th day of October, 2024.

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*Attorneys for Great American Insurance  
Company*

**ORDER**

IT IS SO ORDERED

DATED this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE

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